


MAY 18 2011

JULIA C. ENDLEY, CLERK
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IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
HARRISONBURG DIVISION

UNITED STATES OF AMERICA

)

) Case No. 5:95CR70074

)

v.

)

) **FINAL ORDER**

)

GREGORY A. MILTON

)

) By: Samuel G. Wilson

) United States District Judge

Defendant.

)

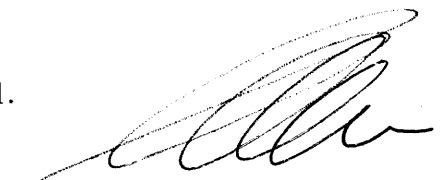
)

In accordance with the accompanying memorandum opinion, it is **ADJUDGED AND ORDERED** that the defendant's "MOTION FOR EQUITABLE RELIEF BASED ON THE UNCONSTITUTIONALITY OF THE AEDPA SUCCESSIVE HABEAS PROVISIONS" (ECF No. 298) is **CONSTRUED** and shall be redocketed as a motion to vacate, set aside or correct the sentence and is **DISMISSED** without prejudice as successive; the defendant's motion to appoint counsel and motion for order to show cause (ECF Nos. 299-300) are **DISMISSED** as moot; and this § 2255 action is **STRICKEN** from the active docket of the court.

Further, finding that the defendant has failed to make a substantial showing of the denial of a constitutional right as required by 28 U.S.C. § 2253(c)(1), a certificate of appealability is **DENIED**.

The Clerk is directed to send a copy of this order and the accompanying memorandum opinion to petitioner.

ENTER: This 18th day of May, 2011.


United States District Judge